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October 25, 2019

Via ECF

The Honorable Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street, Room 2550
New York, New York 10007

RE: *In re Namenda Direct Purchaser Antitrust Litig.*, No. 15-cv-07488-CM-RWL

Dear Judge McMahon:

Appended hereto as Exhibit A, please find Plaintiffs' proposed amended *Voir Dire* Questions.

Respectfully submitted,

/s/ Dan Litvin
Dan Litvin

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**IN RE NAMENDA DIRECT PURCHASER
ANTITRUST LITIGATION**

No.: 1:15-CV-07488-CM-RWL

PLAINTIFFS' AMENDED PROPOSED VOIR DIRE QUESTIONS

Direct Purchaser Class Plaintiffs respectfully submit the following proposed voir dire questions:

1. What was the highest the level of education you completed?
2. Do you currently work outside the home? If so, what is your job title, what do you do, and what is the name of your employer?
3. If you are retired, what was your job title, what did you do, and what was the name of your employer?
4. Does your spouse, partner, or significant other work outside the home? If so, what is that person's job title, what does he or she do, and what is the name of his or her employer?
5. Have you or has anyone close to you ever worked for any of the following companies? If so, who was it? What was his or her position? When?

JM Smith Corporation d/b/a Smith Drug Company
Rochester Drug Co-operative, Inc.
Forest Laboratories, LLC
Forest Laboratories Holdings Limited
Actavis plc
Allergan plc
Mylan Pharmaceuticals, Inc.
Merz GmbH & Co. KgaA
Merz Pharma GmbH & Co. KgaA
Merz Pharmaceuticals GmbH

6. Do you or does anyone close to you own stock in any of the companies listed in the previous question? If so, which one(s)?
7. Have you or has anyone close to you ever worked for any drug or pharmaceutical company? If so, what company(s) and in what positions?
8. Do you have any opinions about any of the parties in this case that I listed for you?

9. What social, environmental, civic, special interest or other organizations do you belong to or are you associated with?
10. How do you get your news?

Television? If so, what channels/shows?

Radio? If so, what stations/shows?

Newspaper? If so, which one(s)?

Internet? If so, which site(s)?

Other (please identify)
11. How frequently do you use the Internet? Multiple times a day? Once a day? A few times a week? Rarely or never?
12. Do you participate in online blogs? Do you write your own? Do you read other people's blogs? Do you post comments on blogs you find interesting? If so, which ones?
13. Do you take prescription medication? How often?
14. Have you or any member of your family ever taken any prescription medication for Alzheimer's disease?
15. Have you or anyone in your immediate family been treated for Alzheimer's?
16. Have you or anyone in your immediate family taken Namenda or the generic version of that drug known by its chemical name memantine?
17. How often do you take generic prescription medication?
18. Have you or anyone close to you ever had a negative experience with a generic drug product?
19. How do you pay for prescription medications (respond as to any that apply)? Out of pocket? Through insurance? Government Program (Medicare, Medicaid)? Other (please explain)?
20. Do you have any opinion about government regulations of drug or pharmaceutical companies in the U.S.?
21. Do you believe that generic drugs are different than brand drugs?
22. Do you have any feelings, positive or negative, about pharmaceutical or drug companies?

23. Have you had any good or bad experiences with brand pharmaceutical companies?
Generic pharmaceutical companies?
24. Have you ever owned or run a business? If so, what was the business?
25. Do you have any feelings about lawsuits generally? Do you think that they are
generally good? Generally bad? Or it depends on the case?
26. Do you have any feelings about class action lawsuits? Do you think that they are
generally good? Generally bad? Or does it depend on the case?
27. Do you believe there is too much government regulation of business?
28. Do you have a hard time believing that companies might try to disguise illegal
behavior?
29. Do you believe that all companies generally act ethically and legally?
30. Do you believe it is OK for businesses to bend or break the rules in order to keep
earning money?
31. Are you, or is anyone in your family, an inventor on a patent?
32. Do you have any feelings about whether a patent issued by the Patent and Trademark
Office can be found invalid even before it expires?
33. Do you or anyone close to you know or have been involved in any matter in which any
person was represented by any of the firms or lawyers listed below?

Berger & Montague, P.C.
Faruqi & Faruqi, LLP
Garwin Gerstein & Fisher, LLP
Heim Payne & Chorush, LLP
Odom & Des Roches, LLC
Smith Segura & Raphael, LLP
White & Case, LLP
Kevin Adam
William Bave, III
Heather Burke
Peter Carney
Russ Chorush
John Chung
Stuart DesRoches
Eric Enger
Bruce Gerstein
Mark Gidley

Michael Hamburger
Ryan Johnson
Miranda Jones
Peter Kohn
Chris Letter
Dan Litvin
Joe Lukens
Heather McDevitt
Ellen Noteware
Joseph Oppen
Kristen O'Shaughnessy
David Raphael
Susan Segura
Daniel Simons
David F. Sorensen
Martin Toto
Nick Urban

34. Have you or has any member of your family ever worked for any lawyer or law firm?
35. Have you or anyone in your immediate family ever been involved in a lawsuit? What kind of lawsuit was it? What was the result?
36. Have you ever served on a jury? If yes, in what court and what kind of case was it? What was the result of that lawsuit?
37. The following is a list of witnesses who may be called to testify at trial as to certain facts. Do you recognize any of these names?

Eric Agovino	James Lah
Brian Bamberger	Bob Lahman
Pradeep Banerjee	Peter Ludwig
Jim Benton	Jinping McCormick
Joachim Borman	Rachel Mears
June Bray	Lei Meng
Joseph Buccafusco	William Meury
Robert Carnevale	Sean Moriarty
Maureen Cavanaugh	Bharati Nadkarni
Napoleon Clark	John Olney
Katrin Curia	LuMarie Polivka-West
Mark Devlin	Lauren Rabinovic
Steven Ferris	Barry Reisberg
Howard Fillit	David L. Rosen
James Finchen	Barry Rovner
Paul Spencer Fishman	Charles Ryan
Wolfgang Fleischhacker	Patrick Sage
Adda Gogoris	Brenton Saunders
Roman Gortelmeyer	Wolfgang Schatton
David Greenberg	Seth Silber
Kapil Gupta	Julie Snyder
Sanjay Gupta	David Solomon
Jason Harper	Robert Stewart
Alan Jacobs	Marco Taglietti
Patrick Jochum	Steven Wayne Talton
William Kane	Gopalakrishnan Venkatesan
Bruce Kohrman	Myron Weiner
Eugene Kolassa	Diana Wilk

38. The following is a list of expert witnesses who may be called to testify at trial. Do you recognize any of these names?

Dr. Ernst R. Berndt
Alexandra Bonelli
James Bruno
Dr. Pierre Cremieux
Janet K. DeLeon
Prof. Einer Elhauge
Dr. Martin Farlow
Dr. Lorna Fowdur
Philip Green
Dr. Nathan Herrmann

George W. Johnston, Esq.
Dr. Russell L. Lamb
Dr. Roberto Malinow
Roderick R. McKelvie
David Rosen
Dr. Lon S. Schneider
Professor John Thomas

39. Is there any reason why you could not decide this case fairly and impartially in accordance with the evidence presented and the law as I explain it to you?

Dated: October 25, 2019

/s/ Dan Litvin
Dan Litvin

***Rochester Drug Co-Operative, Inc. and the
Direct Purchaser Class***

***JM Smith Corporation d/b/a Smith Drug
Company and the Direct Purchaser Class***

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